

Appl. No.: 09/914,303  
Response dated January 5, 2004  
Reply to Office action of November 3, 2003

### REMARKS/ARGUMENTS

Favorable consideration and allowance of the instant application is respectfully requested in view of the following remarks.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 11 and 21 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over EP (105556) or DE (4224947). This rejection is again respectfully traversed for the following reasons.

Applicant had previously argued that neither reference served to render the claimed invention *prima facie* obvious on the grounds that neither reference taught nor suggested the unexpected synergistic cleaning results obtained by the claimed combination of components and, in particular, the combination of the claimed polyglycoside and electrolyte salt.

Applicant would like to note that it has been held that, "A greater than expected result is an evidentiary factor pertinent to the legal conclusion of obviousness ... of the claims at issue." See, *In re Corkill*, 226 USPQ 1005 (Fed. Cir. 1985).

With respect to the EP '556 reference, it merely suggests the possible use of a builder salt in its composition, which is directed to a dishwashing liquid detergent composition. Nowhere within the four corners of this reference is it either taught or suggested that the use of an electrolyte salt is either mandatory, as is the case with the present invention, or that its combination with a polyglycoside component yields **synergistic** performance properties, particularly with respect to providing an antistatic finish onto the surface of a substance cleaned therewith. This reference merely teaches the use of a builder component as being **optional** and it fails to require the use of an electrolyte salt in the event that a builder is incorporated therein.

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In *Ex parte Wittpenn*, 16 USPQ2d 1730 (BPAI 1990), an Examiner had rejected an Applicant's claims on the grounds that all of the claimed components were disclosed in a prior art reference (Roggenkamp). In that case it was found that although the prior art contained all the elements of Applicant's invention, the prior art indicated no preference for any particular component of one of the elements, i.e., the nonionic surfactant. The Board there held that, "... since we have been apprised of no disclosure within the Roggenkamp reference that would have led the routineer to make the **critical** selections to arrive at the claimed surfactant composition, we find that no prima facie case of obviousness has been established and that the rejection before us cannot be sustained." *Id.* at 1731 (emphasis added). Here too, the EP '556 reference fails to contain any teaching or suggestion which would motivate the routineer to **WANT** to use a builder component and then **WANT** to use an electrolyte salt as the builder component so as to achieve the above-noted synergistic properties in combination with the polyglycoside component. As a result, it is Applicant's contention that this reference fails to render the claimed invention prima facie obvious.

As for the '947 reference, it too is completely silent with regards to the above-noted synergistic properties realized through the combination of a polyglycoside and an electrolyte salt. The '947 reference is much more concerned with emphasizing to those of ordinary skill in the art the importance of using protease and cellulase enzymes in its composition, rather than acknowledging the existence of Applicant's unexpected results. Moreover, the use of an alkyl polyglycoside component is taught as being merely optional, rather than mandatory. This is further evidenced by the fact that none of the examples of the '947 reference appear to involve the use of a polyglycoside component but instead employ alkoxylated alcohols.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 11-30 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over

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DE (19719606) in view of EP (105556). This rejection is again respectfully traversed for the following reasons.

As was previously argued by Applicant, the DE '606 reference admittedly fails to contain any teaching, suggestion or motivation relating to the use of a polyglycoside component in its formulation. In an effort to overcome this admitted lack of teaching or suggestion, the Examiner relies upon the disclosure of the 'EP '556 reference, as set forth above with regards to the previous rejection. However, nowhere within either reference is it taught, suggested or motivated to employ the polyglycoside component of the '556 reference in the composition of the DE '606 reference in order to achieve Applicant's unexpectedly discovered **synergistic** properties. As a result, for this reason alone, the Examiner's subjective conclusion of prima facie obviousness is believed by Applicant to be successfully rebutted. This conclusion is further emphasized by Applicant's previously addressed observation that the use of a builder component in the EP '556 reference is merely optional, rather than mandatory, coupled with lack of disclosure relating to the use of an electrolyte salt as a builder component in the event a builder is employed. This serves to further evidence the fact that neither reference, alone or in combination, appreciates the unexpected **synergy** realized by Applicant through its combination of claimed ingredients and, specifically, the polyglycoside in combination with the electrolyte salt.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.


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The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,

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